

A CERTIFIED TRUE COPY		U.S. DISTRICT COURT EASTERN DISTRICT OF LOUISIANA		JUDICIAL PANEL ON MULTIDISTRICT LITIGATION	
DEC 18 2006 <i>[Signature]</i>		FILED	DEC 29 2006	DEC 18 2006	
ATTEST FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION		DOCKET NO. 10-1657		FILED CLERK'S OFFICE	
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION** EDLA
SEC. L/3

<i>Rosie Russaw, etc. v. Merck & Co., Inc., et al.</i> , M.D. Alabama, C.A. No. 2:06-557	06-11435
<i>Betty Whitehead, etc. v. Merck & Co., Inc., et al.</i> , N.D. Alabama, C.A. No. 2:06-1279	06-11436
<i>Edward Schwartz v. Merck & Co., Inc., et al.</i> , N.D. California, C.A. No. 3:06-4180	06-11437
<i>Patrick E. Murphy v. Merck & Co., Inc., et al.</i> , N.D. California, C.A. No. 4:06-4794	06-11438
<i>Anita Davis v. Merck & Co., Inc., et al.</i> , N.D. Florida, C.A. No. 4:06-356	06-11439
<i>Barbara Heet, et al. v. Merck & Co., Inc., et al.</i> , S.D. Illinois, C.A. No. 3:06-514	06-11440
<i>Vivian Copher, et al. v. Merck & Co., Inc., et al.</i> , E.D. Missouri, C.A. No. 4:06-1185	06-11441
<i>Inez Kincaid, et al. v. Merck & Co., Inc., et al.</i> , E.D. Missouri, C.A. No. 4:06-1186	06-11442
<i>Richard Helton, et al. v. Merck & Co., Inc., et al.</i> , E.D. Missouri, C.A. No. 4:06-1187	06-11443
<i>Minnie Smith, et al. v. Merck & Co., Inc., et al.</i> , E.D. Missouri, C.A. No. 4:06-1196	06-11444
<i>John James Mangani v. Merck & Co., Inc., et al.</i> , D. Nevada, C.A. No. 2:06-914	06-11445
<i>Kathie Bartlett, et al. v. Merck & Co., Inc., et al.</i> , D. Nevada, C.A. No. 3:06-359	06-11446

BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR., KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**TRANSFER ORDER**

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in these actions to vacate the Panel's orders conditionally transferring the actions to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Defendant Merck & Co., Inc., favors inclusion of these actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Motions to remand to state court can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons

* Judge Motz took no part in the decision of this matter.

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expressed by the Panel in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims relating to Vioxx. *See In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

Wm. Terrell Hodges

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Chairman

